

STATE OF ILLINOIS                )  
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                                     SS.  
 COUNTY OF COOK                )

## AFFIDAVIT

I, Carl J. Elitz, being first duly sworn, on oath depose and say:

1. I am an Assistant Attorney General in the Civil Appeals Division of the Illinois Attorney General's Office. I am responsible for representing the appellant, the People of the State of Illinois *ex rel.* Michael T. McRaith, Director of Insurance of the State of Illinois, in this bankruptcy appeal.
2. The believe that the Director's brief is due on January 6, 2008.
3. I ask that the current due date for the Director's brief be extended 28 days, or until February 3, 2008. My request is based on the heavy demands of my current schedule and because counsel that handled this matter on behalf of my client in the bankruptcy court, John S. Delnero of Bell, Boyd & Lloyd LLP, is withdrawing, meaning that it will take longer to review the record and prepare the legal arguments than would be possible with the close assistance of lower-court counsel. With regard to my schedule:
  - A. On December 28, 2007, I filed an appellees' brief in United States Court of Appeals No. 07-3377, *520 S. Mich. Ave. Associates v. Shannon*;
  - B. On January 4, 2008, I am assigned to sit as a moot court participant in preparation for a colleague's argument to the United States Supreme Court on January 16, 2008, *Meadwestvaco Corp. v. Illinois Department of Revenue*, No. 06-1413. I expect this preparation will take at least two days.
  - C. On January 8, 2008, I must participate in a mandatory settlement conference conducted by the Seventh Circuit's Settlement Office in United States Court of Appeals for the Seventh Circuit No. 07-3444, *Chaklos v. Stevens*. I anticipate needing at least one work day to prepare and consult with my client before this meeting;
  - D. On January 16, 2008, I am presenting oral argument in the Supreme Court of Illinois, in No. 104853, *Poindexter v. State of Illinois*. Preparation for this argument will also require several days, not including the travel time to and from Springfield.
  - E. On January 20, 2008, I am assigned to file an appellee's brief in United States Court of Appeals for the Seventh Circuit No. 07-3022, *George v. Walker*, on no prior extensions.

F. On January 21, 2008, I am assigned to file an appellee's brief on behalf of the Illinois Department of Transportation in Illinois Appellate Court No. 2-07-0841, *Macom Corp. v. Naperville*, on one prior extension.

G. On January 30, 2008, I am assigned to file an appellee's brief in United States Court of Appeals for the Seventh Circuit No. 07-2783, *Hayes v. Snyder*, on one prior extension.

4. Counsel for the Trustee, Micah R. Krohn of Frank/Gecker LLP, has indicated that the Trustee is "not inclined to agree" to my requested extension.

/s/ Carl J. Elitz  
CARL J. ELITZ

SUBSCRIBED and SWORN to before me  
this 28<sup>th</sup> day of December, 2007.

/s/ Jackie M. Gunther  
NOTARY PUBLIC